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MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Tong Zhang	:	
Application No.: 10/820561	:	DECISION ON
Filing or 371(c) Date: 04/08/2004	:	PETITION
Title of Invention:	:	
SINGLE-MODE OPERATION AND	:	
FREQUENCY CONVERSIONS FOR	:	
DIODE-PUMPED SOLID-STATE LASERS	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 7, 2010, to revive the above-identified application.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 15, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

Applicant filed a reply to the Office action in the form of an Amendment on October 13, 2009; however, the reply failed to place the application in condition for allowance¹. Applicant was so notified in an Advisory Action, mailed January 22, 2010.

Applicant filed a letter and an Amendment in response to the Advisory Action on February 16, 2010; however, the letter and Amendment did not include an extension of time request or fee. No complete and proper (timely) reply to the final office action having been received, the application became abandoned October 16, 2009. A Notice of Abandonment was mailed March 20, 2010.

Applicant files the present petition, and the reply, an Amendment, was filed February 16, 2010.

Applicable law, Rules and MPEP

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The present petition and amendment

As to item (1), the Examiner has reviewed the Amendment filed February 16, 2010, and concluded that the Amendment fails to place the application in condition for allowance. The Examiner has provided the following comment(s): Claim 10 has been amendment to include the limitation “single longitudinal mode operation”, as stated in the Final office action (7-15-2009) the cited prior art of Siebert (US 3,582,815) discloses in column 2 lines 10-14, single mode operation and clearly describes “single axial mode operation” [applicant’s single longitudinal mode operation].

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building

¹ The Amendment was not entered because the Amendment raised new issues that would require further consideration and/or search, and the Amendment was not in compliance with 37 CFR 1.173.

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Inquiries regarding the Amendment should be directed to the Examiner. Telephone inquiries concerning this petition Decision should be directed to the undersigned at (571) 272-3232.

/DLW/

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Office of Petitions